

Remarks

Applicants wish to thank Examiner Anderson for the courtesy of the telephone interviews with applicant's undersigned attorney on August 12 and October 16, 2003, in which the present amendment was discussed.

It is noted that claims 7 and 14-25 are withdrawn from consideration as directed to non-elected subject matter.

It is also noted with appreciation that claim 12 has been indicated to contain allowable subject matter. However, the recasting of that claim in independent form is being deferred pending consideration of this amendment, which is believed to overcome the rejection of the base independent claim.

Claims 8-12 are rejected under 35 U.S.C. §112 as being indefinite in the use of the term "its". That term has been deleted from the claims and replaced with a reference to the specific structure intended.

Claim 12 is further objected to as descriptive in reciting "to prevent access to space between the tray and the partition." As was mentioned in the aforementioned interviews, it is believed that the recitation is not misdescriptive. However, in order to clarify the intent, claim 12 has been amended to delete reference to the "space between the tray and the partition" and to refer instead to "the latch element." Claim 11, on which claim 12 depends, has been amended to change the dependency thereof to claim 10 to provide antecedent basis for "the latch element."

It is believed that, as amended, claims 8-12 are now clear and definite.

Claims 1-4, 6, 8-11 and 13 are rejected under 35 U.S.C. §103 as being unpatentable over Propst et al. in view of Klug, Kress and Heinrichs, all of record. In support the rejection, the examiner notes that the claimed "partition" may be viewed as equivalent to the front wall of the drawers of Propst et al. and Klug.

Independent claims 1 and 8 have been amended to clarify that the partition recited cannot be the front wall of the drawer. More specifically, the claims have been amended to recite that the peripheral wall structure is integral with the bottom wall "for defining a compartment", and the partition is recited as cooperating with the peripheral wall structure and the bottom wall "to define compartment portions respectively on opposite sides of the partition" and, the tray has been defined as either covering or uncovering "one compartment portion" in the different positions thereof. No such arrangement is disclosed or suggested by the cited references. Accordingly, it is believed that, as amended, each of claims 1 and 8 and the claims dependent thereon are now clearly patentable over the cited art and, accordingly, allowance of claims 1-4, 6, and 8-13 is respectfully asked.

Respectfully submitted,

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